

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DAVID LOZANO

§

§

VS.

§

A-09-CA-200 SS

§

CITY OF AUSTIN, OFFICER BOUDREAU

§

and OFFICER DEATON, SUPERVISOR

§

In Their Official Capacities

§

AFFIDAVIT OF CHRIS EDWARDS

STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

BEFORE ME, the undersigned Notary Public, on this day appeared Chris Edwards who, being by me first duly sworn, stated as follows:

1. "My name is Chris Edwards. I am over the age of eighteen years and I am competent to make this affidavit. I have never been convicted of a felony or any crime involving moral turpitude.

2. "I am an Assistant City Attorney for the City of Austin, Texas. In my capacity as Assistant City Attorney, I represent the Defendants in the aforementioned lawsuit.

3. "Defendant's Motion for Costs requests four thousand one hundred sixty five dollars and seventy cents (\$4,165.70) incurred by the prevailing party as taxable costs, which were reasonably and necessarily incurred in this case.

4. "It was necessary to incur ninety-five dollars (\$95.00) for the transcription of APD 9-1-1 calls regarding the incident made the basis of this lawsuit, which was responsive to Plaintiff's discovery requests, and was submitted with Defendants' summary judgment motion.

5. “It was necessary to incur three hundred twenty-three dollars and twenty-five cents (\$323.25) for the transcription of various APD taped interviews of witnesses in this lawsuit, which were responsive to Plaintiff’s discovery requests, and submitted with Defendants’ summary judgment motion.

6. “It was necessary to incur two hundred five dollars and five cents (\$205.05) for the transcription of the in-car-video created during the incident made the basis of this lawsuit, which was responsive to Plaintiff’s discovery requests, and submitted with Defendants’ summary judgment motion.

7. “It was necessary to incur one thousand seventeen dollars and seventy-five cents (\$1,017.75) for the deposition transcript of the Plaintiff, which was submitted with Defendants’ summary judgment motion.

8. “It was necessary to incur four hundred forty-four dollars and fifty-five cents (\$444.55) for a copy of the deposition transcripts of Defendants, Officer Roger Boudreau and Officer Stephen Deaton, which were submitted with Defendants’ summary judgment motion.

9. “It was necessary to incur one thousand five hundred fifty-eight dollars and ninety cents (\$1,558.90) for the deposition transcript of Plaintiffs’ retained expert, William Gaut, which was submitted with Defendants’ summary judgment motion.

10. “It was necessary to incur two hundred twenty one dollars and twenty cents (\$221.20) in copying costs, and the City of Austin’s customary charge for copies, is ten cents (\$.10) per page (i.e., Public Information Act requests), the per-page charge which has been awarded in the Austin Division where the City of Austin and/or its’ employees were the prevailing party. There are approximately 1,462 pages produced in response to discovery requests, as well as 750 pages in the discovery, and pleadings files.

11. "It was necessary to incur three hundred dollars (\$300.00) in copying costs of CDs and DVDs of which there are 20 at the rate of fifteen dollars (\$15.00) per CD/DVD, which were responsive to Plaintiff's discovery requests.

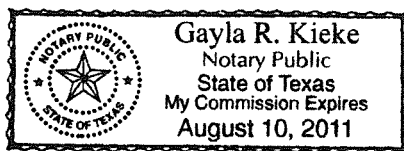
12. "Attached are true and correct copies of taxable costs incurred by the prevailing party.

13. "I have read the foregoing affidavit, I have personal knowledge of the facts stated therein, and they are true and correct."

SIGNED this 6th day of October, 2010.

Chris Edwards
CHRIS EDWARDS

SUBSCRIBED AND SWORN TO BEFORE ME on this 6th day of October, 2010, to certify which witness my hand and official seal.



Gayla R. Kieke
NOTARY PUBLIC - STATE OF TEXAS

Attn: Mary Finelli

INVOICE

DONOVAN COURT REPORTING, INC.

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Naples, FL 34112
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239.793.7991 fax
www.donovanreporters.com

Chris Edwards
City of Austin - Law Department
PO Box 1546
Austin, TX 78767-1546

Invoice No.	Invoice Date	Job No.
22946	6/28/2010	24924
Job Date	Case No.	
6/17/2010		
Case Name		
David Lozano vs. City of Austin		
Payment Terms		
Due upon receipt		

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

William Gaut

Exhibit

1st Hour

Hourly

Compressed Transcript

Word Index

Shipping & Handling

250.00 Pages 1,100.00
54.00 Pages 18.90
60.00
6.50 Hours 292.50
250.00 Pages 62.50
10.00
15.00

TOTAL DUE >>> \$1,558.90

INVOICES ARE DUE UPON RECEIPT AND ARE NOT CONTINGENT UPON CLIENT PAYMENT.

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Chris Edwards
City of Austin - Law Department
PO Box 1546
Austin, TX 78767-1546

Job No. : 24924 BU ID : NA-REPOR

Case No. :

Case Name : David Lozano vs. City of Austin

Invoice No. : 22946

Invoice Date : 6/28/2010

Total Due : \$ 1,558.90

Remit To: **Donovan Court Reporting, Inc.**
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Naples, FL 34112

PAYMENT WITH CREDIT CARD

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Zip:

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Givens COURT Reporting

May 12, 2010

Ms. Chris Edwards
City of Austin Law Department
301 W. 2nd Street, 4th floor
Austin, Texas 78701

Re: No. A 09 CA 200 SS; In the U.S. District Court for the Western District of
Texas, Austin Division; David Lozano v. City of Austin, Officer Boudreau
and Officer Deaton, Supervisor, in their Official and Individual Capacities

* * * * *

**NONCONTRACT
INVOICE # SG-1073.b**

* * * * *

Oral Deposition of Officer Boudreau (5-11-10)
Costs and services for preparing
copy of transcript -----\$188.95

Oral Deposition of Officer Deaton (5-11-10)
Costs and services for preparing
copy of transcript -----\$255.60

eTranscript, condensed ----- no charge
(expedited fee charged opposing counsel)

TOTAL -----**\$444.55**

Please make reference to Invoice # sg-1073.b when making payment.
ALL INVOICES DUE AND PAYABLE UPON RECEIPT.

TAX ID NUMBER: 527-13-6119

THANK YOU!

Givens Court Reporting

May 1, 2010

RECEIVED

MAY 05 2010

City of Austin Law Department
Attn: Gayla Kieke
P.O. Box 1088
Austin, Texas 78767

LAWDEPARTMENT

Re: No. A-09-CA-200-SS; In the U.S. District Court for the Western District
of Texas, Austin Division; David Lozano v. City of Austin, et al.
Ordered by: Chris Edwards

INVOICE # SG-1070

Non-Contract Work – Transcribed 5-1-10

Costs for preparing original transcript from DVD file
of Boudreau In-Car Video – 19 pages at \$4.95/page ----- \$ 94.05
3.5 hours at \$30/hour ----- \$105.00
Postage ----- \$ 6.00

TOTAL ----- \$205.05

Please make reference to Invoice # sg-1070 when making payment.

TAX ID NUMBER: 527-13-6119

THANK YOU!

Givens Court Reporting

May 7, 2010

City of Austin Law Department
Attn: Gayla Kieke
P.O. Box 1088
Austin, Texas 78767

Re: No. A-09-CA-200-SS; In the U.S. District Court for the Western District
of Texas, Austin Division; David Lozano v. City of Austin, et al.
Ordered by: Chris Edwards

INVOICE # SG-1070.b

Non-Contract Work – Transcribed 5-7-10

Costs for preparing original transcript from CD
of three versions of audio files – 8 pages at \$4.95/page ----- \$ 39.60

1.5 hours at \$30/hour ----- \$ 45.00

Postage ----- \$ 6.00

TOTAL ----- \$ 90.60

Please make reference to Invoice # sg-1070.b when making payment.

TAX ID NUMBER: 527-13-6119

THANK YOU!

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MAY 12 2010

LAW DEPARTMENT

Givens Court Reporting

March 19, 2010

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MAR 23 2010

LAWDEPARTMENT

City of Austin Law Department
Attn: Gayla Kieke
P.O. Box 1088
Austin, Texas 78767

Re: No. A-09-CA-200-SS; In the U.S. District Court for the Western District
of Texas, Austin Division; David Lozano v. City of Austin, et al.
Ordered by: Chris Edwards

INVOICE # SG-1054

Non-Contract Work – Transcribed 3-19-10

Costs for preparing original transcript from audio file
of 911 Call – 12 pages at \$4.95/page ----- \$ 59.40
1.5 hours at \$30/hour ----- \$ 45.00

TOTAL ----- \$104.40

Please make reference to Invoice # sg-1054 when making payment.

TAX ID NUMBER: 527-13-6119

THANK YOU!

Givens Court Reporting

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March 3, 2010

MAR 08 2010

LAW DEPARTMENT

City of Austin Law Department
Attn: Teresa Medina
P.O. Box 1088
Austin, Texas 78767

Re: No. A 09 CA 200 SS; In the U.S. District Court for the Western District of
Texas, Austin Division; David Lozano v. City of Austin, et al.
Scheduled by: Chris Edwards

INVOICE # SG-1048

Oral Deposition of David Lozano, Taken 2-24-10

Costs for preparing original transcript, including copy and condensed transcript – 146 pages at \$4.75/page -----	\$693.50
Exhibits – 17 pages at 25 cents/page -----	4.25
Videography, 4 hours at \$80/hour -----	320.00
TOTAL -----	\$1,017.75

Please make reference to Invoice # sg-1048 when making payment.

TAX ID NUMBER: 527-13-6119

THANK YOU!

Givens COURT REPORTING

January 27, 2010

City of Austin Law Department
Attn: Teresa Medina
P.O. Box 1088
Austin, Texas 78767

Re: Lozano vs. City of Austin
Scheduled by: Gayla Kieke

INVOICE # SG-1038

Transcription of the DVD of Rosemary Lozano's 3-21-07 APD Interview

Costs for preparing original transcript
of 27 pages at \$4.75/page ----- \$128.25

Transcription of the CD of Lozano-related 911 Calls on 3-21-07

Costs for preparing original transcript,
of 20 pages at \$4.75/page ----- \$ 95.00

TOTAL ----- \$223.25

Please make reference to Invoice # sg-1038 when making payment.

TAX ID NUMBER: 527-13-6119

THANK YOU!

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FEB 01 2010

LAW DEPARTMENT